

AO 133 (Rev. 9/89) Bill of Costs

UNITED STATES DISTRICT COURT

Southern

District of Ohio (Cincinnati)

TROY JONES

V.

HAROLD CARTER, et al.,

Case Number: 1:00-CV-00095

BILL OF COSTS

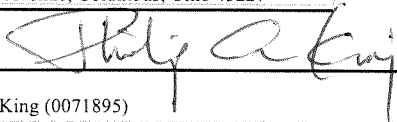
Judgment having been entered in the above entitled action on November 4, 2003 against Troy Jones,
 the Clerk is requested to tax the following as costs:

Fees of the Clerk	\$
Fees for service of summons and subpoena
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case
Fees and disbursements for printing
Fees for witnesses (itemize on reverse side)
Fees for exemplification and copies of papers necessarily obtained for use in the case	\$283.50 (see attached)
Docket fees under 28 U.S.C. 1923	\$1,556.77 (see attached)
Costs as shown on Mandate of Court of Appeals
Compensation of court-appointed experts
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828
Other costs (please itemize)
TOTAL	\$ 1,840.27

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill was mailed today with postage prepaid to: Troy Jones, 3590 East Deshler Avenue, Columbus, Ohio 43227

Signature of Attorney: Name of Attorney: Philip A. King (0071895)For: Defendants Gary Shepherd and Tim Basham

Name of Claiming Party

Date: 12/18/03

Costs are taxed in the amount of _____ and included in the judgment.

Clerk of Court

By: _____
Deputy Clerk

Date

WITNESS FEES (computation, cf. 28 U.S.C. 1821 for statutory fees)							
NAME AND RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Miles	Total Cost	

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

"Sec. 1924. Verification of bill of costs."

“Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed.”

See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Federal Rules of Civil Procedure contain the following provisions:

Rule 54 (d)

“Except when express provision therefor is made either in a statute of the United States or in these rules, costs shall be allowed as of course to the prevailing party unless the court otherwise directs, but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day’s notice. On motion served within 5 days thereafter, the action of the clerk may be reviewed by the court.”

Rule 6(e)

“Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period.”

Rule 58 (In Part)

“Entry of the judgment shall not be delayed for the taxing of costs.”

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

TROY JONES, #239-697 Plaintiff, v. HAROLD CARTER, et al., Defendants.	: : : : : : : :	Case No. C-1-00-95 Judge Spiegel Magistrate Judge Sherman
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AFFIDAVIT OF PHILIP A. KING

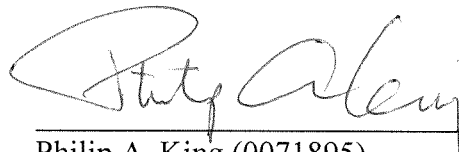
STATE OF OHIO :
 : ss.
COUNTY OF FRANKLIN :

Now comes the affiant, Philip A. King, being duly cautioned and sworn under oath, and states as follows:

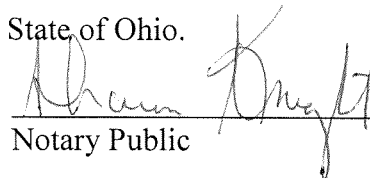
1. I have personal knowledge of the facts contained in this affidavit and am competent to testify to matters stated herein.
2. I am employed by the Ohio Attorney General's Office as an Assistant Attorney General in the Corrections Litigation Section and am co-counsel for Defendants in *Jones v. Carter, et al.* Case No. C-1-00-95.
3. On November 4, 2003, the Court dismissed said case for want of prosecution when Plaintiff Troy Jones failed to appear at trial.
4. The following are costs incurred by Defendants for the preparation and trial of said case. Each cost item is correct and the services for which costs are being charged were actually and necessarily performed.

- Depositions of Mason Williams and Corteze Henderson, \$540.17 (invoice attached as Exhibit A)
- Deposition of Rafael Dixon, \$221.00 (invoice attached as Exhibit B)
- Video deposition \$375.00 (invoice attached as Exhibit C)
- Deposition of Arjayra Treadway, \$405.65 (invoice attached as Exhibit D)
- Reproduction of video tape, \$14.95 (invoice attached as Exhibit E)
- Enlargement and mounting of photographs for use as trial exhibits, \$283.50 (attached as Exhibit F)
- Total costs incurred by Defendants - \$1,840.27

Further the Affiant sayeth naught.


Philip A. King (0071895)

Sworn to and subscribed in my presence this 18th day of December, 2003 in the
County of Franklin, in the city of Columbus, in the State of Ohio.


Notary Public

SHARON KNIGHT
NOTARY PUBLIC-STATE OF OHIO
My Commission Expires . 02-06-07

CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2003, a copy of foregoing ***Bill of Costs*** was filed electronically. Notice of this filing will be sent to all parties, except Plaintiff, by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. I also certify the a copy of the foregoing was sent to Plaintiff Troy Jones at 3590 East Deshler Avenue, Columbus, Ohio 43227, via regular U.S. mail, postage prepaid, this same day.

s/ Philip A. King
PHILIP A. KING
Assistant Attorney General